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From:

Fred Zimmerman
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REMARKS:

Urgent For your review Reply ASAP Please comment

Response to Second Non-Final Office Action and Election of Species Requirement.

Please confirm filing by facsimile.

Please don't hesitate to call, if you need anything else.

A handwritten signature of Fred Zimmerman.

Fred Zimmerman Reg. No. 48,747
Patent Counsel 301-744-5603

JUN 15 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kummerer, et al.

Serial No.: 10/807,573

Filed: March 18, 2004

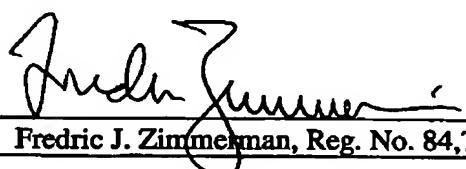
Group Art Unit: 3644

Examiner: Bret C. Hayes

Atty. Docket No.: 95,884

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on June 15, 2005


Fredric J. Zimmerman, Reg. No. 84,747

For: PACK FOR CARRYING EXPLOSIVES AND INITIATORS

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-4150

RESPONSE TO SECOND NON-FINAL OFFICE ACTION AND ELECTION OF
SPECIES REQUIREMENT

Sir:

In response to the Office Action dated June 2, 2005, please consider the following:

REMARKS

In response to the Examiner's Restriction requirement, and to facilitate prosecution, Applicants hereby elect the invention of Species I drawn to an above article of manufacture on which at least claims 1-11, 15-18 and 20 are readable, without traverse.

Regarding Species II drawn to a method of using the above article of manufacture on which at least claims 12-14 and 19 are readable, Applicants respectfully do not elect

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these claims but reserve the right to file, timely, a divisional application containing these claims.

Please note, based on a telephone conference with Examiner Hayes of June 14, 2005, Applicants respectfully request that the PTO issue a subsequent non-final Office Action as the restriction will necessitate another search. Indeed, for emphasis, Applicants question the rationale for such a restriction as Applicant's invention is a pack structurally designed for carrying explosives and initiators under potentially combat conditions not a "picnic" lunch bag as suggested. Thus, PTO's suggestion that a wine or cheese sack is structurally equivalent and reads on the claimed invention is incorrect.

Early favorable prosecution on the merits is respectfully requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Respectfully submitted,

Dated: June 15, 2005



Fredric J. Zimmerman, Esq.
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